

MIKAYAMA ET AL. -- 10/693,629
Client/Matter: 021286-0306473

REMARKS

Claims 31 to 53 are pending. By this Supplemental Preliminary Amendment, claims 38 and 53 have been canceled without prejudice. Applicants maintain the right to prosecute the canceled claims in any related application claiming the benefit of priority of the subject application. Accordingly, upon entry of the Supplemental Preliminary Amendment claims 31 to 37 and 39 to 52 are pending. Applicants respectfully request entry of this Supplemental Preliminary Amendment prior to examination of the application on the merits.

Regarding the Amendments to the Specification

The specification has been amended to address an informality. In particular, the specification has been amended at page 1 to update the status of priority application serial no. 09/844,684, which is now U.S. patent No. 7,063,845. The specification has also been amended to insert language indicating that the deposited biological material covered by the issued claims in the patent granted from this application will be made available to the public in accordance with 37 C.F.R. §1.808. Accordingly, the amendments to the specification do not introduce new matter and therefore, entry thereof is respectfully requested.

Regarding Amendments to the Claims

The claims have been amended to address various informalities. In particular, for example, various claims have been amended to reflect the language of the preamble in order to provide greater antecedent basis. Various claims have been amended to more clearly indicate that the antibody is isolated and binds to human CD40. Various claims have been amended to more clearly indicate that the hybridoma 4D11 produces the antibody. Various claims have also been amended to insert reference to the Accession No., namely FERM BP-7758. In view of the foregoing, the amendments to the claims do not add new matter and therefore, entry thereof is respectfully requested.

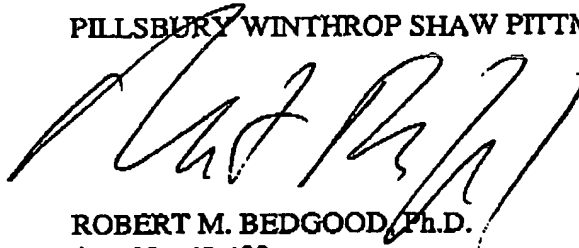
MIKAYAMA ET AL. -- 10/693,629
Client/Matter: 021286-0306473

CONCLUSION

Please charge any fees associated with the submission of this paper to Deposit Account Number 502212. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



ROBERT M. BEDGOOD, Ph.D.

Reg. No. 43,488

Tel. No. 858 509.4065

Fax No. 858 509.4010

Date: September 21, 2006
11682 El Camino Real
Suite 200
San Diego, CA 92130-2092
(619) 234-5000

CERTIFICATION UNDER 37 C.F.R. §§ 1.8 and/or 1.10*

I hereby certify that, on the date shown below, this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to (571) 273-0844, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

PATRICIA MUNOZ

(type or print name of person certifying)

Date: September 21, 2006

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.